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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,480	02/05/2002	Gunther Handke	4452-460	6356

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/067,480

Applicant(s)

HANDKE, GÜNTHER

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements filed on 05 February 2002 and 04 April 2002 have been considered for this Office Action.

### ***Claim Objections***

2. Claims 8 and 10 are objected to because of the following informalities: Claim 8, line 2 and claim 10, line 1 recite the limitation "the connecting web". There is insufficient antecedent basis for this limitation in the claim. Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent Document GB 268,571 (GB '571).

A tubular body comprises a pair of sleeve parts connected by a web (Fig. 4). The sleeve parts being coaxial and having respective axial end surfaces that are mutually facing (Figs. 5 and 6).

The web comprises a stamped pass-through opening (Fig. 4).

The pass through opening has an expanded diameter adjacent to the sleeve parts (Fig. 4).

Each the sleeve part has an axial length and most of the length extends between the connecting web and respective mutually facing end (Figs. 4-6).

The web comprises mutually opposing side edges having respective parallel flats for applying a wrench (Fig. 4).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB '571 in view of Heflin, Jr. (US 3,249,685).

GB '571 discloses a tubular body having the components cited above in paragraph 3 for the rejection of claim 1. GB '571 fails to disclose that the tubular body comprises one of a spring element and a damping element pressed into the sleeve

parts and holding the sleeve parts together under tension. However, Heflin teaches a tubular body (18) comprising one of a spring element (20) and a damping element pressed into the tubular body. The one of a spring element and a damping element has two axial stops (38,40) at its ends to maintain the one of a spring element and a damping element within the tubular body at a desired location about a pipe joint (C. 2, L. 16-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the one of a spring element and a damping element taught by Heflin in the tubular body disclosed by GB '571 such that the one of a spring element and a damping element taught by Heflin is pressed into the sleeve parts disclosed by GB '571 and the one of a spring element and a damping element also holds the sleeve parts together under tension. Doing so, maintain the one of a spring element and a damping element within the tubular body at a desired location about a pipe joint.

The one of the spring element and the damping element comprises axial stops (38,40) that hold the sleeve parts together under tension. The axial stops are located outside the sleeve parts oppositely from the mutually facing end surfaces (Fig. 1).

7. Claims 4, 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB '571.

GB '571 discloses that the sleeve parts have respective opposed end surfaces facing oppositely from the mutually facing end surfaces and respective inside walls extending between facing end surfaces and the opposed end surfaces (Figs. 4-6). GB '571 fails to disclose that each the sleeve part has a transition surface pressed into end

surfaces and leading into the inside wall. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have each the sleeve part has a transition surface pressed into end surfaces and leading into the inside wall since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). By providing the transition surface pressed into end surfaces and leading into the inside wall the object being inserted is protected because the sharp edges of the end surfaces are eliminated.

GB '571 fails to disclose that the sleeve parts are welded together. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the two sleeve parts welded together because welding of the sleeve parts will secure the parts against separating from each other.

GB '571 discloses a tubular body formed from a sheet metal blank and the tubular body comprises a pair opposed ends, an inside wall extends between the ends (Figs. 4-6). GB 571 fails to disclose that a pair of transition surfaces pressed into respective end surfaces and leading to the inside wall. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pair of transition surfaces pressed into respective end surfaces and leading to the inside wall since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). By providing the transition surface pressed into the respective end

surfaces and leading into the inside wall the object being inserted is protected because the sharp edges of the end surfaces are eliminated.

A tubular body further comprises an outside wall having a circumferential outward facing sheared edge upstanding from the rest of the outside wall to produce a border (Figs. 4-6).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB '571 in view of Herr et al. (US 6,311,936).

GB '571 discloses a tubular body having the components cited above in paragraph 3 for the rejection of claim 1. GB '571 fails to disclose that the connecting web comprises a transverse web that can serve as a retainer during fabrication of the tubular body. However, Herr teaches a body (10) having a pair of stamped sleeve parts (12,14) connected by a web (20) (Figs. 1-3, 5 and 6). The web comprises a transverse web (24) that serves as a retainer (Fig. 5). The transverse web cooperates with a slot on a support surface to retain the body with respect to the support surface (C. 2, L. 48-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the web comprising a transverse web as taught by Herr in the tubular body disclosed by GB '571. Doing so, transverse web cooperates with a slot on a support surface to retain the body with respect to the support surface and may also serve as a retainer during fabrication of the tubular body.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clow (US 368,459), Redfield (US 480,513), Padgett (US 2,067,283), Siegel (US 3,643,580) and Hardtke (US 4,951,902) are cited to show state of the art with respect to a tubular member having two coaxial sleeve parts.

Schmunk (US 3,334,928), Bakkerus (US 3,718,351) and Green et al. (US 4,643,465) are cited with respect to one of a spring element or a damping element used with a tubular body.

Angles et al. (US 5,641,152) and Muller et al. (US 6,102,606) is cited to show state of the art with respect to tubular member for attaching a joint eye to a piston rod.

Harris, III (US 4,903,922) is cited to show state of the art with respect to a body having two sleeves connected by a web that comprises a transverse web.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is



Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up

Art Unit: 3677

copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

*RCR*  
rcr

May 27, 2003



J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
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